

<b>IN RE: APPEAL OF JUAN C. LOPEZ ON BEHALF OF PIEDRAHITA REAL ESTATE, LLC, RELATIVE TO A PROPERTY LOCATED AT 154 WALNUT STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA</b>	<b>: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2021-28 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION</b>
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**DECISION OF THE ZONING HEARING  
BOARD OF THE CITY OF READING**

**AND NOW**, this 8th day of December, 2021, a hearing having been held on November 17, 2021, upon the application of Juan C. Lopez on behalf of Piedrahita Real Estate, LLC, notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

**FINDINGS OF FACT**

The Zoning Board finds the following facts:

1. Applicant is Juan C. Lopez on behalf of Piedrahita Real Estate, LLC, Pennsylvania limited liability company, with a principal address of 913 Connor Court, Reading, Berks County, Pennsylvania 19608 (hereinafter referred to as the “Applicant”).
2. Juan C. Lopez is the principal member of Piedrahita Real Estate, LLC.
3. Applicant is the fee simple owner of the real property located at 154 Walnut Street, City of Reading Berks County, Pennsylvania 19601 (hereinafter referred to as “Subject Property”).
4. The Subject Property is located in the R-3 Residential Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
5. Applicant was represented by Joan E. London, Esquire, of Kozloff Stoudt.
6. The Subject Property is an existing three (3) story building located on a property having

an approximate area of 1,750 square feet.

7. Applicant is seeking approval for the conversion or redevelopment of the existing three (3) story building on the Subject Property through adaptive reuse guidelines to establish two dwelling units on the second and third floors.

8. The existing building on the Subject Property is currently being utilized as a commercial use (restaurant) on the first floor and residential rental rooms (boarding house) on the second and third floors and there are three (3) off-street parking spaces.

9. The restaurant use and boarding house use are nonconforming uses in the R-3 Zoning District. Section 600-804.B. and 600-607

10. Applicant is also requesting a variance for parking, if required. Section 600-1603(31)(a) and (d).

11. Adaptive reuse is allowed as a special exception use within the R-3 Zoning District. Section 600-1202.A.

12. Applicant states that the conversion of the boarding house use to residential apartments and retaining the current restaurant use on the first floor will not substantially increase traffic congestion or create undue concentration of population as the neighborhood is a mixed used neighborhood.

13. Applicant states there will be no change to the height or footprint of the existing building which will impair light or air to existing properties.

14. Applicant states the variance for parking, if required, is needed due to the site and configuration of the lot and existing building and parking area.

15. Applicant testified he will designate the parking garages for each proposed apartment.

16. The proposed zoning relief is in keeping with the spirit and intent of the Zoning Ordinance and the ongoing revitalization of downtown Reading.

17. The Zoning Board finds the requested relief will not be a detriment to the health, safety and welfare of the neighborhood and will enhance the Zoning District.

## **DISCUSSION**

Applicant is seeking approval for the conversion or redevelopment of the existing three (3) story building through adaptive reuse guidelines to establish two dwelling units on the second and third floors above an existing restaurant on the first floor. The proposed use will not be a detriment to the health, safety and welfare of the neighborhood and is in keeping with the spirit and intent of the Ordinance.

## **CONCLUSIONS OF LAW**

1. Applicant is Juan C. Lopez on behalf of Piedrahita Real Estate, LLC.
2. The Subject Property is located at 154 Walnut Street, Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. The Zoning Board is permitted to provide interpretation and grant applications for variances, special exceptions and adaptive reuse as set forth in the relevant sections of the Zoning Ordinance.
5. In order to grant the requested relief, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.
6. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:
  - a. Applicant is granted relief from all relevant sections of the Zoning Ordinance subject to the following conditions:
    - (1) If necessary in the sole discretion of the Zoning Administrator, Applicant shall designate a parking garage for each proposed apartment.
    - (2) Applicant shall comply with all pertinent provisions for residential apartment uses and occupancy as specified by the Zoning Ordinance.
    - (3) The existing commercial use (restaurant) located on the first floor may be continued as a permitted use provided that the use complies with all pertinent provisions that apply to a commercial use (restaurant) established by the City of Reading.

(4) A Revised Plan of Record or Minor Land Development Plan shall be submitted to the City of Reading Planning Commission for review and consideration. The Revised Plan of Record or Minor Land Development Plan should provide emphasis on neighborhood compatibility, architectural enhancements, site accessibility, off-street parking and loading, sanitary sewage disposal, water supply, utilities, landscaping, exterior lighting, solid waste disposal, and other requirements that may apply to the proposed use.

(5) Detailed architectural plans, rendering and/or elevations shall be prepared by a licensed or certified consultant, which shall be submitted with the Revised Plan of Record or Minor Land Development Plan in order to demonstrate compliance with building code requirements.

(6) Applicant shall maintain required off-street parking spaces at a designated location (off-site or on-site) that is acceptable to the Zoning Office, Zoning Hearing Board or Planning Commission.

(7) All sanitary sewage disposal issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required sanitary sewage disposal improvements. If required by the Department of Public Works, sewer planning modules shall be submitted to the City of Reading in accordance with the provisions specified by the City of Reading, Pennsylvania Department of Environmental Protection, and other agencies with jurisdiction.

(8) All water supply issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection to the water supply improvements.

(9) Pedestrian sidewalks shall be adequately illuminated for safety and security and a minimum of five (5) feet of sidewalk shall be maintained free of obstructions.

(10) The building façade, property, and adjacent curbs, sidewalks, and alleys shall be maintained in a sound and attractive condition, shall be kept free of trash, debris, and unsafe conditions, and shall comply with the applicable Property Maintenance, Building and Fire Codes. Any necessary repairs to public rights of way shall be completed at the property owner's expense.

(11) The required building and zoning permits shall be prepared and submitted to address all building code requirements for the proposed residential apartment units.

(12) The building shall comply with all fire, safety and accessibility requirements specified by the City of Reading prior to occupancy.

(13) All proposed signs require separate approval by the Zoning Hearing Board.

(14) Applicant may not use, expand, alter or otherwise use the Subject Property inconsistently with the contents of this Decision without making application requesting further relief from the Zoning Board.

(15) Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.

**The decision of this Board is by a vote of 4 to 0.**

**ZONING HEARING BOARD OF THE CITY OF  
READING**

**/s/ Philip Rabena**

**PHILIP RABENA, CHAIRMAN**

**/s/ Thomas Fox**

**THOMAS FOX**

**/s/ Jeffrey Gattone**

**JEFFREY GATTONE**

**/s/ William Harst**

**WILLIAM HARST**